

# HOUSE . . . . . No. 836

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Todd M. Smola**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act Requiring Recycling of Lead Acid Batteries.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Todd M. Smola	1st Hampden
Richard J. Ross	9th Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE HOUSE, NO. 867 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT REQUIRING RECYCLING OF LEAD ACID BATTERIES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           The General Laws are hereby amended by inserting after Chapter 21M the following Chapter.

2   Chapter 21N Section 1. LEAD-ACID BATTERIES; LAND DISPOSAL PROHIBITED.

3   (a) No person may place a used lead-acid battery in mixed municipal solid waste, in any landfill,  
4       or municipal solid waste incinerator.

5   (b) No person shall dispose of a used lead-acid battery except by delivery to a retailer or  
6       wholesaler, or to a secondary lead smelter, or to a collection or recycling facility authorized  
7       under the law of the Commonwealth or by the U.S. Environmental Protection Agency.

8   (c) No retailer shall dispose of a used lead-acid battery except by delivery to the agent of a  
9       wholesaler or a secondary lead smelter, or to a battery manufacturer for delivery to a  
10      secondary lead smelter, or to a collection or recycling facility authorized under the law of the  
11      Commonwealth or by the U.S. Environmental Protection Agency.

12   (d) Each battery improperly disposed of shall constitute a separate violation.

13   (e) For each violation of this section a violator shall be subject to a fine not to exceed  
14      \$ 250 and/or a prison term not to exceed 30 days.

15   Section 2. LEAD-ACID BATTERIES; COLLECTION FOR RECYCLING.

16   A retailer selling replacement lead-acid batteries in the state shall:

17   (a) Accept from customers, at the point of transfer, used lead-acid batteries of the same general  
18       type and in a quantity at least equal to the number of new batteries purchased, if offered by  
19       customers;

20   (b) Collect a deposit of at least \$10.00 on the sale of an automotive type replacement lead-acid  
21       battery that is not accompanied by the return of a used lead-acid battery of the same general  
22       type. All deposits shall inure to the benefit of the retailer unless the person paying the deposit

- pursuant to this subsection returns a used automotive lead-acid battery to the retailer within thirty days of the date of sale, in which case the deposit shall be returned to the customer; and
- (c) Post written notice which must be at least 8-1/2 inches by 11 inches in size and must contain the universal recycling symbol and the following language:
- (1) "It is illegal to discard a used lead acid battery.";
  - (2) "Recycle your used batteries."; and
  - (3) "State law requires us to accept used lead-acid batteries for recycling in exchange for new batteries purchased."

### Section 3. INSPECTION OF BATTERY RETAILERS.

The Department of Environmental Protection shall produce and print the notices required by Section 2 and shall distribute such notices to all places where replacement lead-acid batteries are offered for retail sale. In performing its duties under this section, the division may inspect any place, building, or premises where batteries are sold at retail. Authorized employees of the agency may issue warnings and citations to persons who fail to comply with the requirements of Section 2. Failure to post the required notice following warning shall subject the establishment to a fine of \$ 100 per day.

### Section 4. LEAD-ACID BATTERY WHOLESALERS.

Any wholesaler selling replacement lead-acid batteries shall accept from customers at the point of transfer, used lead-acid batteries of the same general type and in a quantity at least equal to the number of new batteries purchased, if offered by customers. A wholesaler accepting batteries in transfer from a retailer shall be allowed a period not to exceed 90 days to remove batteries from the retail point of collection.

### Section 5. PLASTIC CODING.

Lead-acid battery cases shall not be required to bear an SPI, SAE or other resin identification code otherwise required for rigid plastic containers.

### Section 6. DEFINITIONS.

For the purposes of Sections 1-5:

- (a) The term lead-acid battery means a battery that:
  - (1) consists of lead and sulfuric acid;
  - (2) is used as a power source; and
  - (3) is not intended as a power source for consumer products.
- (b) The term retailer means any person who engages in the sale of replacement lead-acid batteries directly to the end user.
- (c) The term wholesaler means any person who sells replacement lead-acid batteries for resale.
- (d) The term consumer product means any device that is primarily intended for personal or household use and is typically sold, distributed, or made available to the general population through retail or mail-order distribution. Such term does not include vehicles, motorcycles, wheelchairs, boats or other forms of motive power. The term does include, but is not limited to, computers, games, telephones, radios, and similar electronic devices.

### Section 7. ENFORCEMENT.

The Department of Environmental Protection shall enforce Sections 2 and 4. Violations shall be a misdemeanor.